

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document #

27

U.S.C.A. #

U.S.D.C. #

06-cv-3671

JUDGE:

AJP

DATE:

3-18-2008

*Gladden*

-v-

*Commissioner of S.S.*

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME):

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FIRM:

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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

**\*\* ONLY CIRCLED DOCUMENTS ARE INCLUDED \*\***

**\*\* ALL OTHERS MISSING AT THIS TIME \*\***

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 18th Day of March, 2008.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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*Shadden*  
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 -v-  
*Commissioner of S. S.*  
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U.S.C.A. # \_\_\_\_\_  
 U.S.D.C. # 06-CV-3671  
 JUDGE: AJP  
 DATE: 3-18-2008

**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered \_\_\_\_\_ Through \_\_\_\_\_, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

_____	_____
_____	_____
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_____	<b>BALANCE OF FILE MISSING AT THIS TIME</b>
_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 18th Day of March In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232<sup>ND</sup> year.

**J. Michael McMahon, Clerk**

By \_\_\_\_\_

*[Signature]*  
 Deputy Clerk

APPEAL, CLOSED, MAGCONSENT, PRO-SE

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:06-cv-03671-AJP**  
**Internal Use Only**

Gladden v. Commissioner of Social Security  
Assigned to: Magistrate Judge Andrew J. Peck  
Cause: 42:405 Rev. of Final Dec. of Sec. of HEW re: S.S. Benefits

Date Filed: 05/15/2006  
Date Terminated: 03/03/2008  
Jury Demand: None  
Nature of Suit: 863 Social Security: DIWC/DIWW  
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
05/15/2006	<u>1</u>	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. (Signed by Judge Michael B. Mukasey on 05/12/2006) (jeh, ) (Entered: 05/17/2006)
05/15/2006	<u>2</u>	COMPLAINT against Commissioner of Social Security. Document filed by Hermena L. Gladden.(jeh, ) (Entered: 05/17/2006)
05/15/2006		Magistrate Judge Andrew J. Peck is so designated. (jeh, ) (Entered: 05/17/2006)
06/13/2006	<u>3</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Social Security. Referred to Magistrate Judge Andrew J. Peck. (Signed by Judge William H. Pauley III on 6/6/06) (kco, ) (Entered: 06/13/2006)
06/13/2006	<u>5</u>	NOTICE OF CASE REASSIGNMENT to Judge Colleen McMahon. Judge William H. Pauley, III is no longer assigned to the case. (laq, ) (Entered: 06/15/2006)
06/13/2006		Magistrate Judge Mark D. Fox is so designated. (jma, ) (Entered: 06/30/2006)
06/15/2006	<u>4</u>	ORDER: The Clerk of Court is to reassign this matter to a District Judge and Magistrate Judge in the White Plains Courthouse. (Signed by Magistrate Judge Andrew J. Peck on 6/12/2006) Copies Mailed By Chambers.(lb, ) (Entered: 06/15/2006)
06/15/2006		Mailed notice to the attorney(s) of record. (laq, ) (Entered: 06/15/2006)
07/24/2006	<u>6</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Social Security. Referred to Magistrate Judge Mark D. Fox. SO ORDERED: (Signed by Judge Colleen McMahon on 07/24/06) Clerk's Office Mailed Copies..(dcr, ) (Entered: 07/24/2006)
08/14/2006	<u>7</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Complaint served. Commissioner of Social Security served on 6/8/2006, answer due 6/28/2006. Service was accepted by Ms. Charles. Document filed by Hermena L. Gladden. (db, ) (Entered: 08/15/2006)
10/12/2006	<u>8</u>	ANSWER to Complaint. Document filed by Commissioner of Social Security.(jar, ) (Entered: 10/16/2006)
10/12/2006	<u>9</u>	TRANSCRIPT (SOCIAL SECURITY) of record of proceedings. Re: <u>8</u> Answer to Complaint. Document filed by Commissioner of Social Security.(jar, ) (Entered: 10/16/2006)
10/25/2006	<u>10</u>	NOTICE of Filing of Supplemental Record. Document filed by Commissioner of Social Security. (jco, ) (Entered: 10/27/2006)
11/07/2006	<u>11</u>	MEMORANDUM From: Judge McMahon, To: All Litigants, Re: Transfer to Foley Square Effective January 2, 2007, Judge McMahon's duty station will change from White Plains to Foley Square. Her new contact information will be: Daniel P. Moynihan Courthouse, Chambers 640, 500 Pearl Street, New York, New York 10007, (212) 805-6325 (telephone for emergencies only) (212) 805-6326 (fax). Judge McMahon will remain in the White Plains wheel through December 29, 2006. Pending the confirmation of a new judge to fill the vacancy created by the retirement of Judge Mukasey, Judge McMahon will continue to administer all White Plains cases previously assigned to her. Judge McMahon will keep her White Plains chambers and her emergency telephone and fax numbers in White Plains (914-390-4145 and 4152, respectively) as long as she is handling White Plains cases. She will be in White Plains every Friday to conduct case conferences (criminal and civil) and sentencings. She will try her White Plains cases in Courtroom 533 in the White Plains courthouse. She will not try White Plains cases in Foley Square. She will, however, conference White Plains civil cases in Foley Square for the convenience of counsel if all parties agree. Out-of-district counsel in civil cases may request telephone conferences. The White Plains magistrate judges will supervise discovery in Judge McMahon's White Plains cases. Effective January 2, communications to chambers should be faxed to BOTH chambers (White Plains and Foley Square). Courtesy copies of motion papers and briefs in White Plains cases should be delivered to White Plains unless otherwise instructed by chambers. (mj, ) (Entered: 11/07/2006)
11/14/2006		Minute Entry for proceedings held before Judge Mark D. Fox : Initial Pretrial Conference held on 11/14/2006. Hermena L. Gladden for Plaintiff and John E. Gura for Defendant present. Deft. to submit motion on the pleadings by 12/18/06. Answering paper 2/15/07. Replies 3/1/07. Oral Argument 3/15/07 at 9:00 AM. 10 min each side. Adj. to 3/15/07 at 9:00AM 1/poA Submitted by: Ed Modugno, Courtroom Deputy (Tape #161 to 467) (ll, ) (Entered: 11/14/2006)
01/19/2007	<u>12</u>	MOTION for Judgment on the Pleadings dismissing the complaint, and for such other relief as the Court deems just. Document filed by Commissioner of Social Security.(jmi) (Entered: 01/25/2007)
01/19/2007	<u>13</u>	MEMORANDUM OF LAW in Support re: <u>12</u> MOTION for Judgment on the Pleadings.. Document filed by Commissioner of Social Security. (jmi) (Entered: 01/25/2007)
01/23/2007	<u>14</u>	AFFIRMATION of Hermena L. Gladden in Opposition re: <u>12</u> MOTION for Judgment on the Pleadings.. Document filed by Hermena L. Gladden. (mde) (Entered: 02/16/2007)
03/15/2007		Minute Entry for proceedings held before Judge Mark D. Fox : Oral Argument held on 3/15/2007 re: <u>12</u> MOTION for Judgment on the Pleadings, filed by Commissioner of Social Security. Oral Argument heard by both parties. Court will take the matter under advisement. (Submitted by Ed Modugno). (Tape #1) (mde) (Entered: 03/16/2007)

08/03/2007	15	MEMORANDUM From: Judge McMahon, To: All Litigants: Effective August 3, 2007, Judge McMahon will no longer be responsible for any cases, civil or criminal in White Plains. Her entire pending docket, civil and criminal, will be transferred to The Hon. Kenneth M. Karas. From August 4, 2007 until September 3, 2007, Judge Karas will be transitioning into White Plains; in case of emergencies, he can be reached at 500 Pearl Street, Chambers 920, New York, New York 10007, telephone number (212) 805-0274. Routine applications for matters like adjournments should be addressed to the assigned Magistrate Judge, to the Magistrate Judge on duty in White Plains (if your assigned Magistrate Judge is on vacation), or to the Judge sitting in Part I in Foley Square. Beginning September 4, 2007 Judge Karas will be in Chambers 533, his telephone number will be (914) 390-4145. After August 3, DO NOT send any correspondence or inquiry relating to a White Plains case to Judge McMahon. (mj) (Entered: 08/07/2007)
08/06/2007	16	NOTICE OF CASE REASSIGNMENT to Judge Kenneth M. Karas. Judge Colleen McMahon is no longer assigned to the case. (mj) (Entered: 08/07/2007)
08/23/2007	17	EXHIBITS, in addition to support plaintiff's opposition to deft's. motion for judgment on the pleadings.... Document filed by Hermena L. Gladden.(jma) (Entered: 08/23/2007)
11/28/2007	18	MEMORANDUM: To: The Case Processing Unit. From: Hon. Mark D. Fox, USMJ. Re: Social Security Case Reassigned 06civ3671. This case was mistakenly transferred to White Plains, Courthouse by Judge Peck. With the consent of Judge Peck and Judge Pauley it is re-transferred to their dockets. (Signed by Magistrate Judge Mark D. Fox on 11/27/07) Copies Sent Via Interoffice Mail By Chambers.(fk) (Entered: 11/28/2007)
11/29/2007	19	NOTICE OF CASE REASSIGNMENT to Judge Judge William H. Pauley, III. Judge Judge Kenneth M. Karas is no longer assigned to the case. (fk) (Entered: 11/29/2007)
11/29/2007		Magistrate Judge Andrew J. Peck is so redesignated. (fk) (Entered: 11/29/2007)
11/29/2007		Mailed notice of reassignment to the attorney(s) of record. (fk) (Entered: 11/29/2007)
12/03/2007	20	ORDER this case has been reassigned to Judge Pauley and referred to me. The parties shall advise the Court as to whether they jointly consent to decision of this action by Untied Stated Magistrate Judge, pursuant to the enclosed forms and explanations. If both parties consent, they should complete counterparts of the forms and return them to my chambers. If either or both parties do not consent, Mr. Gura shall act as liaison and report to chambers that the parties do not consent, without indicating any particular party's consent or non-consent. This Order is not meant to in any way interfere with the parties' absolute right to decision by a United States District Judge, but is merely an attempt at preserving scarce judicial resources and reminding the parties of their option pursuant to 28 U.S.C. 636(c). Mr. Gura is to notify the Court by no later than December 31, 2007. SO ORDERED. (Signed by Magistrate Judge Andrew J. Peck on 12/3/2007) (jmi) (Entered: 12/04/2007)
12/03/2007	21	LETTER addressed to Judge Kenneth M. Karas from Hermena L. Gladden dated 11/30/07 (received by chambers) re: letter about Plaintiff's various medical conditions w/ documentation attached. Document filed by Hermena L. Gladden.(tro) (Entered: 12/07/2007)
12/17/2007	23	Updated Documentation of current procedures done on or for plaintiff's left shoulder. Document filed by Hermena L. Gladden. (dle) (Entered: 12/27/2007)
12/26/2007	22	CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE by Hermena L. Gladden, Commissioner of Social Security. (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge Andrew J. Peck. (Signed by Judge William H. Pauley, III on 12/21/07) (tro) (Entered: 12/26/2007)
02/29/2008	24	OPINION AND ORDER #95768 re: 12 MOTION for Judgment on the Pleadings. filed by Commissioner of Social Security. For the reasons set forth above, the Commissioner's determination that Gladden was not disable within the meaning of the Social Security Act prior to January 1, 2004 is supported by substantial evidence. The Commissioner's motion for judgment on the pleadings (Dkt. No. 12) is GRANTED. The Clerk of Court is to enter judgment for the Commissioner. SO ORDERED. (Signed by Magistrate Judge Andrew J. Peck on 2/29/2008) (jmi) (Entered: 02/29/2008)
02/29/2008		Transmission to Judgments and Orders Clerk. Transmitted re: 24 Memorandum & Opinion, to the Judgments and Orders Clerk. (jmi) (Entered: 02/29/2008)
03/03/2008	25	CLERK'S JUDGMENT That for the reasons set forth in the Courts Opinion and Order dated February 29, 2008, the Commissioners motion for judgment on the pleadings is granted. (Signed by J. Michael McMahon, clerk on 3/3/08) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 03/03/2008)
03/10/2008	26	NOTICE OF APPEAL from 25 Clerk's Judgment. Document filed by Hermena L. Gladden. (tp) (Entered: 03/17/2008)
03/10/2008		Appeal Remark as to 26 Notice of Appeal filed by Hermena L. Gladden. IFP GRANTED 5/12/06. (tp) (Entered: 03/17/2008)
03/17/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 26 Notice of Appeal. (tp) (Entered: 03/17/2008)
03/17/2008		Trausmission of Notice of Appeal to the District Judge re: 26 Notice of Appeal. (tp) (Entered: 03/17/2008)